

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1923

DATE: July 17, 2001

PROPOSAL: Tami L. Armstrong has requested a special permit for an early childhood care facility at 5332 Fremont Street for 12 children in a house that is not her permanent residence.

GENERAL INFORMATION:

APPLICANT: Tami L. Armstrong
5131 Orchard
Lincoln, NE 68504
(402)325-0581 - Home
(402)467-6282 - Work

CONTACT: Same

OWNER: Earl Visser
3615 N. 44th Street
Lincoln, NE 68504

LOCATION: 5332 Fremont
Lincoln, NE

LEGAL DESCRIPTION: SE 1/4 Section 8 T10N R7E.

SIZE: 8,625 square feet, more or less.

EXISTING ZONING: R-2, Residential.

EXISTING LAND USE: Single family residential.

SURROUNDING LAND USE AND ZONING: R-2, Residential with single family residential to the south, east, and west. R-5, Residential with single and multi family residential to the north. I-1, Industrial is located approximately 800 feet to the north.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan specifies this area as Urban Residential. Existing Urban Residential areas should (page 45):

1. Preserve and maintain the community's existing, useable housing stock.

2. Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community.

HISTORY:

This area was zoned A-2, Single Family Dwelling district until it was updated in 1979 to R-2, Residential.

SPECIFIC INFORMATION:

TRAFFIC ANALYSIS: Fremont is classified as a local street in the Comprehensive Plan.

PUBLIC SERVICE: The nearest fire station is Fire Station #9 located at 901 N Cotner Boulevard.

ANALYSIS:

This is a request for a special permit for an early childhood care facility for 12 children in a home that is not the primary residence of the applicant.

The Zoning Ordinance requires that when a house in a residential district is used for an early childhood care facility that is not the permanent residence of the person operating the daycare, that a special permit is required.

Currently the applicant is the only person employed at the facility, one other employee will be hired when necessary. Therefore, there will be two staff on the largest shift with care provided for a maximum of 12 children.

The facility is an existing single family residential house with a chain-link fence located on both side yards and the rear yard. The property owner plans to erect a two-stall garage in place of the single-stall garage and provide more spaces for parking.

Parking is permitted in the front yard in the R-2 district for passenger cars provided that;

- It is a concrete driveway or its equivalent,
- The width of the parking area does not exceed 35%,
- The parking area shall be not less than 2 feet from and parallel to the side lot line and not less than two feet from the front property line,

The Zoning Ordinance requires one space per employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers, or fraction thereof. There will be 2 employee stalls and 2 off-street loading/unloading stalls.

The City of Lincoln Design Standards allow facilities with 20 or fewer children to have access to the facility from local and collector streets, or from an arterial street if the facility only has frontage on an arterial and all required parking stalls allow for entering and exiting the street in a forward motion. This facility has access to a local street which does not necessitate entrance and exit in a forward motion.

The Public Works & Utilities Department has no objections to this request.

STAFF CONCLUSION:

This application meets the requirements of the Zoning Ordinance and the City of Lincoln Design Standards.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. This approval permits an early childhood care facility for 12 children at 5332 Fremont Street in a house that is not the permanent residence of the licensed child care provider.
2. Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

General:

3. Before receiving building permits:
 - 3.1 Revise the site plan to show how cars will be situated on the site.
 - 3.2 The permittee shall have submitted 5 copies of the approved plans.
 - 3.3 The construction plans shall comply with the approved plans.
 - 3.4 Revise the site plan to indicate utility easements required by the Lincoln Electric System.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the facility all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

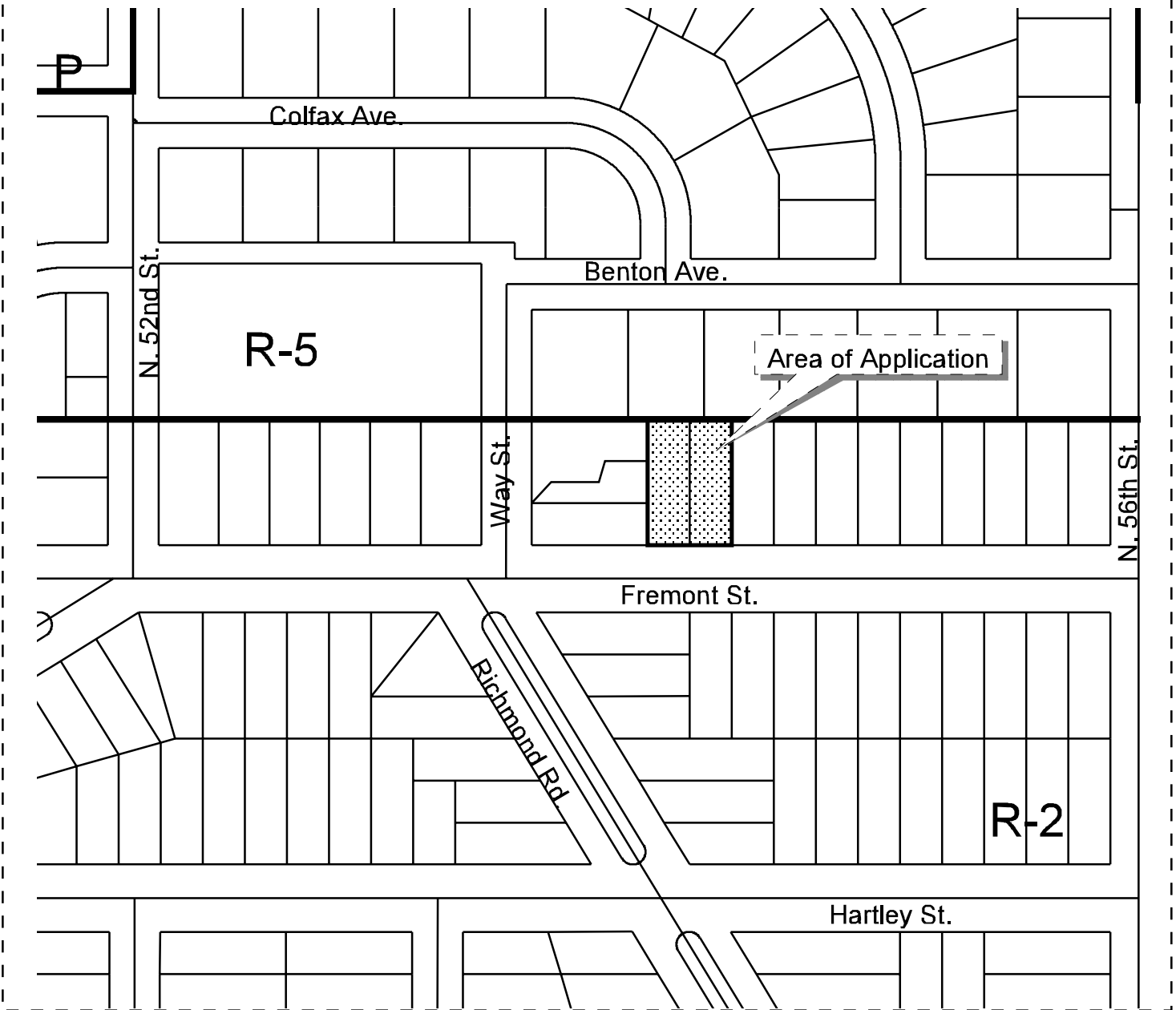
Becky Horner
Planner

I:\pc\permits\bpsp



Special Permit #1923
5332 Fremont St.



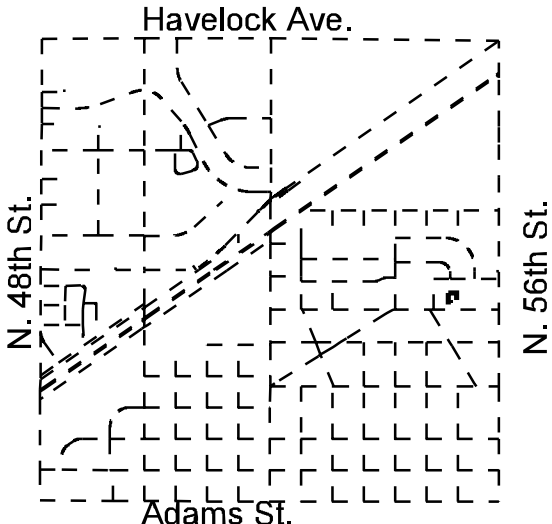
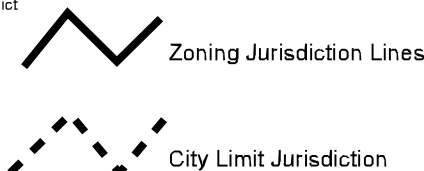


Special Permit #1923
5332 Fremont St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 8 T10N R7E



IMPROVEMENT LOCATION REPORT

LANCASTER County, Nebraska
Allied Surveying and Mapping, Inc.
LAND SURVEYORS

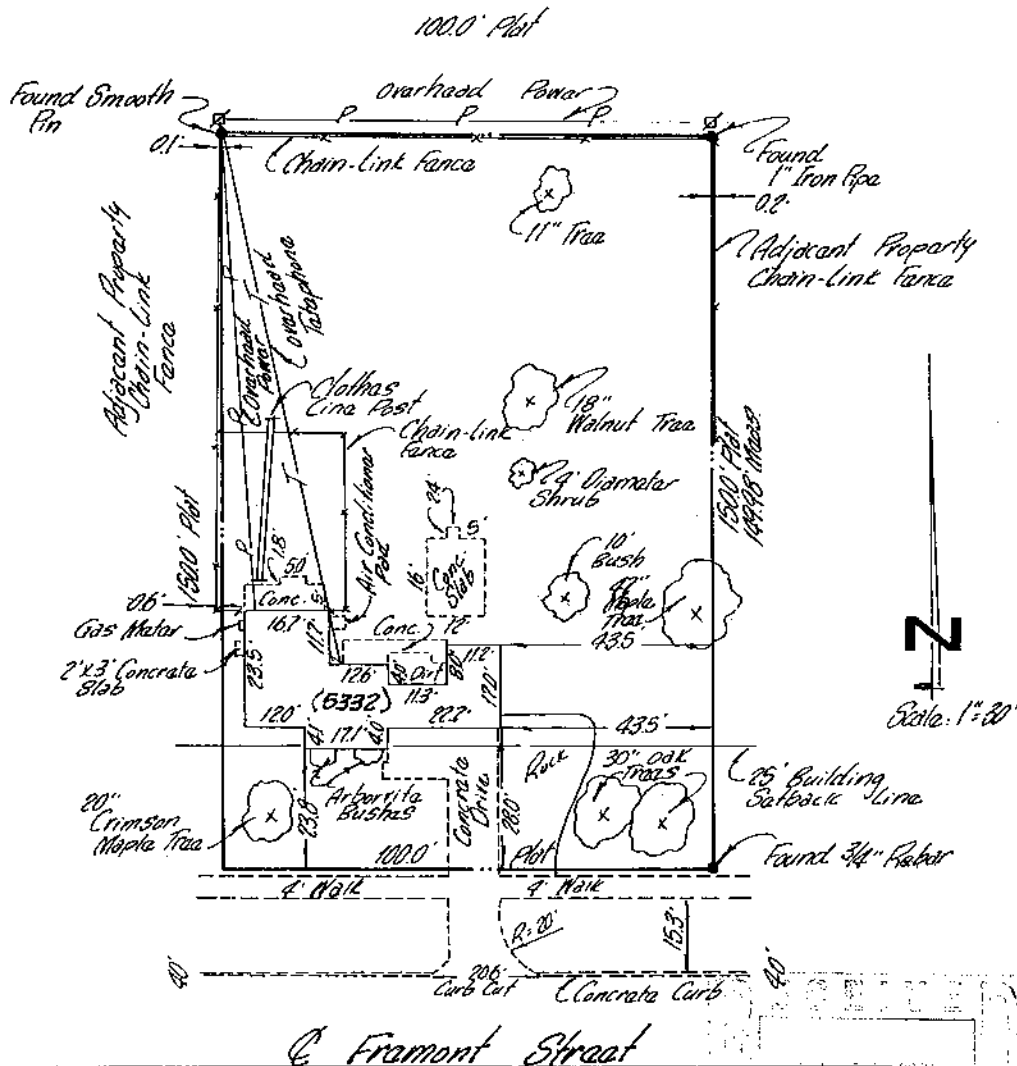
6120 South 58th Street, Suite "A" - Lincoln, Nebraska 68516
Phone (402) 434-2686 FAX (402) 434-2687 e-mail asm1977@aol.com

5332 Fremont Street - Lots 17 & 18, Block 12 Woods Brothers 1st Addition to Havelock -

Lincoln, Lancaster County, Nebraska Section 8 T 10 N, R 7 E of the 6th P.M.

Job No. 30050

July 10, 2001



NOTE: There are NO Easements of record!

LOCATION CERTIFICATION

The accompanying Improvement Location Report is a representation of the conditions that were found at the time of the improvement location report and that the document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. The information shown on this report should not be used to establish any fence, structure or other improvement. The measurements shown on this report are based on either deed or plat information and the improvement location report represents only visible building improvements.

Dennis D. Simons
LS-343
STATE OF NEBRASKA

Date July 10, 2001

CE#1013
\$195⁰⁰

PLANNING DEPT. _____ SPECIAL PERMIT NO. 1923

ADDRESS OR LOCATION 5332 Fremont St (by N 48th + Cornhusker)

RECEIPT NO. _____ FEE \$ 195⁰⁰

APPLICATION FOR A SPECIAL PERMIT

HONORABLE CITY COUNCIL
City of Lincoln, Nebraska

Lincoln, Nebraska July 12, 2001

Under the provisions of Chapter 27.63 of the Lincoln Municipal Code, the undersigned hereby applies for a Special Permit to: (indicate proposed use or development)

Daycare

on the property described as Lot 17 & 18 Block 12

Addition Woods Bros First Addition to Havelock

Proposed development of the property is shown on plans attached hereto. Type and character of the proposed use is as follows:

Daycare. 12 Kids per shift, will be two shifts. Will have 2 employees per shift. In a single family dwelling. There is adequate parking.

Petitioner Tami L. Armstrong
(Please Print)

Petitioner's Signature Tami L. Armstrong Telephone No. Home 325-0581

Petitioner's Address 5131 Orchard Work (467-6262)

Contact Person Tami L. Armstrong

Contact Person's Address 5131 Orchard

* NOTE: Please designate one individual. All information and questions will be directed to this person.

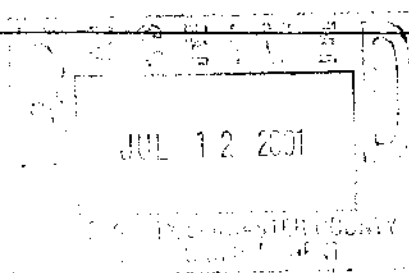
RECORD OWNER & ADDRESS Earl Visser

3615 N 44th

Dates of Planning Commission Hearing _____

X:\FILES\PLANNING\PC\FORMS\SPERMIT.wpd

April 20, 2000



Tami Armstrong
5131 Orchard
Lincoln, Ne
68504

JUL 12 2001

Planning director
Or To whom it may concern:

I am applying for a special permit. The importance of this is that I would like to open a daycare center in a residential area at 5332 Fremont. I will not be living there but merely renting it for daycare services. My hours of operation will be Monday thru Friday. 1st and 2nd shift. 6am to midnight. I am aloud 12 children per shift only. Basically from 6am to 5pm and then 5pm to 12 am. In the beginning I will be there pretty much those hours of operation. In time I will hire employees. I used to own two daycares in residential areas and had no problems. The owner has already spoken to our neighbors and they don't seem to have a problem with the daycare being there. Parents usually take anywhere from 5 to 15 minites to pick their child(ren) up. There is parking in the drive way and next to the drive way and across the street. In the future the owner will be extending the drive way to the

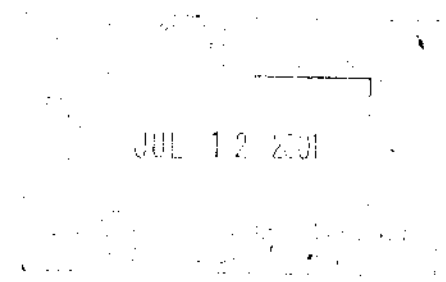
Parking requirments for my business require 2 spaces for employees and 2 for parents. 1 employee space in garage. Other employee in driveway. 2 spaces

Available for parents on rock gravel area. Adjacent to the concrete drive.

back where parents can park easier and turn around and exit.

Thank you for allowing me to apply and speak my voice as this daycare will be good for this residential area.

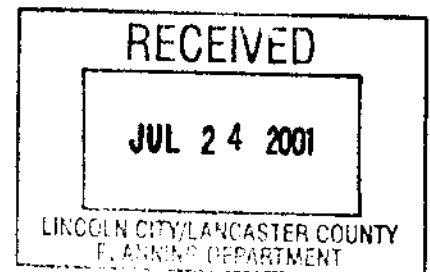
Sincerely,
Tami Armstrong



M e m o r a n d u m

To: Becky Horner, Planning Department
From: Gary Lacy, Public Works and Utilities *LLJ*
Subject: Special Plan #1923, Daycare at 5332 Fremont
Date: July 23, 2001
cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Special Plan #1923, daycare at 5332 Fremont Street. Public Works has no objections to this request.





seholmes@palm.net
(Scott Holmes)

To: rhorner@ci.lincoln.ne.us
cc:
Subject: SP # 1923

07/26/2001 04:29 PM

Becky, I personally drove to this site this afternoon to take a look just in case there was an adjacent use, such as hazardous material storage, that we would want to address. All adjacent and surrounding uses are residential. LLCHD has no objection to this special use permit.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01078**

Address

Job Description: **DAYCARE N 48 & CORNHUSKER**

Location: **DAYCARE N 48TH & CORNH**

Special Permit: **Y 1923**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By **BECKY HORNER**

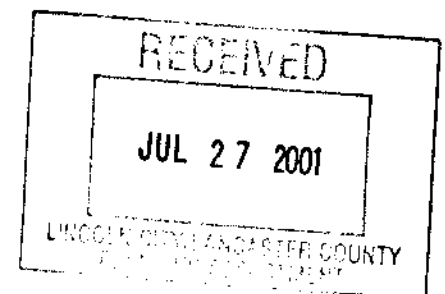
Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE** **BOB FIEDLER**

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





INTER-DEPARTMENT COMMUNICATION

DATE July 27, 2001

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #36N-53E

Attached is the Subdivision Special Permit for Daycare 5332 Fremont St.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

A handwritten signature in cursive script, reading "Sharon Theobald".

ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Frm

